

El Norte

SLDC Adoption Draft Public Meeting, November 7, 2013

Santa Fe County Public Meeting Summary

Public Meeting: Presentation and Review of the Sustainable Land Development Code Adoption Draft, October 2013

DATE: Nov 7, 2013

PLACE: Bennie J. Chavez Community Center

TIME: 6:00 p.m.-8 p.m.

County Facilitator David Gold opened the meeting by providing background on the SLDC Adoption Draft, direction on how to submit comments outside of the meetings and schedule of public hearings. Staff attending the meeting include: County Attorney Steve Ross, Planning Manager Robert Griego, GIS Planner Tim Cannon and Community Planner Maria Lohmann. District 1 County Commissioner Danny Mayfield was in attendance.

Text written in italics represents comments and responses made by county staff at the meeting.

Questions that were raised at the beginning of the meeting included the following:

What is the adoption process for the SLDC? Is there a 2 meeting notice before vote?

Staff provided a background for the establishment of the process which included the adoption of the Sustainable Growth Management Plan (SGMP) and the process to draft the SLDC. The Public Hearing process for the SLDC will include at least two Public Hearings. Public Hearings are scheduled for November 19th and December 3rd. The Board has indicated that they will not vote on the SLDC on December 3 but may bring it forward on December 10th for a vote. The Board will consider an adoption schedule at the Public Hearing on November 19th.

Will the SLDC be translated into Spanish? Commissioner Mayfield indicated that this district is a bilingual district. The Commissioner also wanted to know how many bilingual meetings have been held and how many PSAs have been done.

Staff commented that there have been no bilingual meetings on the SLDC. The County has received no comments on the SLDC from Spanish speakers.

A participant indicated that it is important to recognize the different cultural concerns in the area that might relate to the SLDC such as:

- Cars/lowrider culture in Chimayo
- Traditional home based business

Staff responded that there is a mechanism in the SLDC for communities to identify the specific issues that are important to them through the Community Planning Process which is defined in Chapter 2 of the SLDC. There are also opportunities for communities to provide input on development through the Community Organization and Registered Organizations process also identified in Chapter 2.

The facilitator requested that the participants identify specific topics related to the SLDC Adoption draft that they wanted to discuss. The remaining portion of the meeting was a facilitated discussion between participants and staff covering the following items:

- 1. General Questions**
- 2. Community Planning**
- 3. Family Transfer**
- 4. Large Parcels**
- 5. Night Skies Ordinance**
- 6. Home based businesses**
- 7. HERS Rating**

1. General Questions

Language in the SLDC such as police power is “intimidating” and is hard to understand overregulatory. Overly restrictive.

Staff responded that police power is short hand for authority of jurisdictions—general authority to regulate for public good.

Enforcement- There is no enforcement side to SLDC. It is a “tattle tale “system—neighbors responsibility to complain. What is Santa Fe County going to do to enforce the code?

The Code Enforcement Process is currently a complaint driven process due to staff limitations. The process relies on facilities and staff, there is a lack of these resources right now.

The SLDC Adoption now has a clearer process and there are now “beefed” up requirements and more tools

Enforcement issues identified included signage. The existing complaint process is not effective because there is a fear of retaliation.

Staff indicated that there is a process to identify enforcement issues where someone can complain by phone, ask Code Enforcement to keep name confidential.

2. Community Planning

Community members indicated that there has been a devoted effort to develop a community plan for Chimayo. The concerns were raised that there needs to be a placeholder for Chimayo Community Plan—needs to be a placeholder since the plan has not been adopted but is in process.

Staff indicated that there may be a way to address that. The same issue was brought up for other communities and there needs to be a placeholder for these community districts. Staff identified a couple of ways that they might address that issue, one was to add a new section to Chapter 9 Community Districts the other was to include those communities in the listing of community districts even though the plans have not been adopted, i.e. the Chimayo Community District will be a placeholder until the plan and Community overlay district is created.

A question was raised regarding inclusion of new community plans? How do you start the process?

Community Plan amends the SGMP. Ordinance amends the SLDC.

The Commissioner asked why would we need a code if every community has a community plan? There was also a discussion on what the relationships were between different plans.

Staff responded that there needs to be an overall Land Development Code for the areas where the County has jurisdiction. Community plans will be consistent with SGMP and the SLDC is consistent with the SGMP.

A comment was made that the SLDC should be understandable and that a summary document be created such as a Users guide or checklist of how to follow the SLDC. This should be made available in Spanish as well as English.

Staff responded that this was a good idea and would be considered. Staff also indicated that the SGMP included an Executive Summary which was useful for the public to understand the document.

There is not enough oversight in Santuario. Santa Fe County as a regulatory body does not have oversity to regulate so “farms out to” state. Does Santa Fe County have power to enforce the State’s recommendations? Santa Fe County should have its own historic requirements/ review instead of sending out to state for review. It is nice to have 2 bodies who have oversight.

Need checks and balances. How can you increase lot size in a community plan? Has anyone tried to increase lot size in community plan?

Staff responded that the community plans have resulted in land use plans and zoning ordinances which changed the lot sizes for the community. This has been done successfully.

3. Family Transfer

What is a family transfer?

Staff responded that a family transfer is defined in the SLDC and is an exemption in the Subdivision Act.

How do you keep tabs on that?

The application process for family transfers is in the SLDC.

4. Large Parcels and Conservation Easements

Conservation easement—permission from BCC? Need local government approval for tax?

Staff responded that a conservation easement is completed through the state and recognized by the assessor's office to take off tax as a charitable use.

Can you pull land out of conservation easement?

A conservation easement is very hard to reverse.

5. Night Skies Ordinance

Outside lit patio/outdoor light restrictions

- String lights—remove patios at restaurants
- Shielding requirements possibly restrict outdoor seating?

Commissioner commented that the 84/285 area has multiple jurisdictions which results in checkerboard land regulations. Signage requirements along industrial corridor 6' limit in sign height. Restrict business by limiting signage. Should take checkerboard (and related requirements) into consideration—along commercial corridor.

Staff responded that the SLDC provides regulations and signage is addressed in non-residential section for signs Staff also indicated that Arroyo Seco -section along high way has particular standards for signs along the corridor.

Standards such as parking behind building requirements were identified. Bring plans into compliance with SGMP, SLDC

6. Home based businesses

Signage for home based businesses was discussed and what types of signs are allowed?

The Sign standards are identified in the Home Business section and are allowed in accordance with the standards.

A discussion on whether heavy equipment is allowed in home businesses was discussed. The current standards were reviewed and the concern was that some businesses use heavy equipment which would not be allowed under the SLDC. Definition of heavy equipment?

Discussion of the provisions that are intended to protect neighbors and allow home businesses was discussed. Staff reviewed the requirements and proposed changes were suggested to allow heavy equipment on low and medium impact home business.

Heavy equipment options were discussed such as a trailer, dump truck, equipment= 3 pieces may be more appropriate for medium impact businesses which have more review through a discretionary review process.

Auto body shops—home based, licensed? Part of culture, no longer a permissive use.

Staff reviewed the home business standards to determine whether backyard repair allowed. A body shop, paint shop not allowed because of noise and fumes

Concerns were raised that a big box such as Wal-mart could move to Chimayo tomorrow.

Staff indicated that requires correct zoning and regulations.

7. HERS Rating

Energy requirement doesn't work for mobile homes

Staff informed the group that HERS is for residential development, not mobile home standards. Mobile homes use HUD standards which are equivalent to HERS

Riparian areas- 150' setback on both sides

Staff identified the need to provide further review of the sections related to riparian areas and floodplains.